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PUBLIC DEFENDER  
COUNTY OF FRESNO  
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Attorney for Defendant  
Peter M. Jones / PD0024  
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2004 DEC 29 PM 2:26

**IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA  
IN AND FOR THE COUNTY OF FRESNO**

THE PEOPLE of the	) <b>CASE NO.: F04901785-6</b>
State of California,	)
	) MOTION TO REQUIRE AN OFFER OF
Plaintiff,	) PROOF AS TO THE ANTICIPATED
	) TESTIMONY OF PROSECUTION EXPERTS;
v.	) AND IN ADDITION OR IN THE
	) ALTERNATIVE TO EXCLUDE SAID
MARCUS DELON WESSON,	) <u>TESTIMONY</u>
	) Hearing: 1-04-05; Time: 9:00 a.m.
<u>Defendant.</u>	) Dept.: 53

TO THE HONORABLE JUDGE R.L. PUTNAM, OF THE ABOVE-  
ENTITLED COURT, AND TO THE DISTRICT ATTORNEY OF FRESNO  
COUNTY, ELIZABETH EGAN, AND HER CHIEF OF HOMICIDE, LISA  
GAMOIAN:

On January 4, 2005, at 9:00 a.m. or as soon thereafter as the matter may  
be heard, the Defendant, by and through counsel, will move this court to require  
an offer of proof as to the anticipated testimony of the following witnesses: Park  
Deitz, M.D.; Kris Mohandie, Ph.D.; J. Reid Meloy, Ph.D.; Susan Napolitano,  
Ph.D.; and Randall Robinson, Ph.D.

Without an offer of proof, full disclosure, and an opportunity to challenge  
the possible testimony of these potential witnesses, the defense may be unable  
to declare readiness to proceed to trial.



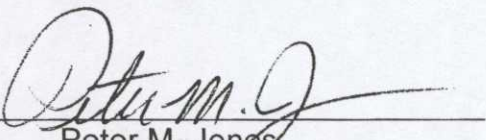
1 This motion is made pursuant to Evidence Code § 402(b), (400 et seq.);  
2 Evidence Code §§ 350 and 352; and Penal Code §§1054.3 and 1054.5(b).

3 The recent case of *Roland v. Superior Court* (2004) 124 Cal.App.4<sup>th</sup> 154  
4 interpreted Penal Code § 1054.3 to require oral statements taken from  
5 anticipated witnesses. As well as those memorialized in notes and/or reports.

6 Dated: December 29, 2004.

7 Respectfully Submitted,

8 GEORGE CAJIGA  
9 PUBLIC DEFENDER  
10 COUNTY OF FRESNO

11 By   
12 Peter M. Jones  
13 Chief Defense Attorney

14  
15 DECLARATION OF PETER M. JONES

16 I, Peter M. Jones, hereby declare:

17 I am an attorney of law licensed to practice in the State of California.

18 That I am a defense attorney in the Office of the Public Defender assigned  
19 to represent the defendant herein in the above-entitled action.

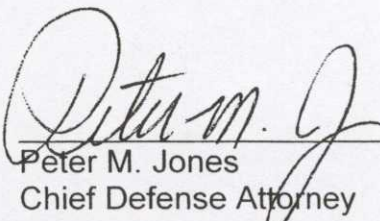
20 On December 1, 2004, the defense received a trial witness list from the  
21 Prosecution. Included on that list were the names of several high profile  
22 psychiatrists or psychologists as well as two local psychologists for which no  
23 reports have been received. These names included: Park Dietz, M.D., Kris  
24 Mohandie, Ph.D., J. Reid Meloy, Ph.D., Susan Napolitano, Ph.D., and Randall  
25 Robinson, Ph.D.

26 At this time I can only speculate as to the purposes for which these  
27 experts might be called. I cannot adequately prepare for my client's defense or  
28

1 declare readiness to proceed to trial before the following questions are  
2 answered:

- 3 1. What is the role of these experts in the prosecution's case?
- 4 2. Will the testimony of any or all of these experts be allowed? and
- 5 3. What discovery, if any, regarding these witnesses remains  
6 outstanding?

7  
8 Dated: December 29, 2004.

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11 Peter M. Jones  
12 Chief Defense Attorney  
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AFFIDAVIT OF PROOF OF SERVICE  
(2009, 2015.5 C.C.P.)

State of California    )  
                                  )  
County of Fresno     )

Comes now the undersigned, who hereby declares as follows:

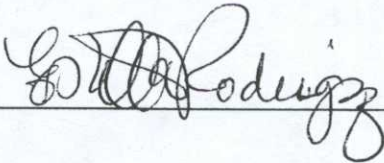
I am a citizen of the United States of America and am employed in the county aforesaid. I am over the age of eighteen years and not a party to the within above-entitled action; my business address is the Fresno County Public Defender's Office 2220 Tulare Street, Suite 300, Fresno, California 93721.

On then 29<sup>th</sup> day of December, 2004, I served a copy of the attached MOTION TO REQUIRE AN OFFER OF PROOF AS TO THE ANTICIPATED TESTIMONY OF PROSECUTION EXPERTS; AND IN ADDITION OR IN THE ALTERNATIVE TO EXCLUDE SAID TESTIMONY on an employee of the office of the Fresno County District Attorney's Office by delivering and depositing a true copy thereof with said employee.

A courtesy copy was also delivered to The Honorable R. L. Putnam, via his bailiff or clerk in Department 53 of the Fresno Superior Court, or to the department's mailbox at the courthouse, if Department 53 was dark at the time of delivery.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated: December 29, 2004.

  
\_\_\_\_\_

RECEIPT OF A COPY OF THE FOREGOING DOCUMENT IS ACKNOWLEDGED. <b>DEC 29 2004</b> DATE: _____ BY: <u>Angie Banez</u>
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RECEIPT OF A COPY OF THE FOREGOING DOCUMENT IS ACKNOWLEDGED. DATE: _____ BY: _____
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RECEIPT OF A COPY OF THE FOREGOING DOCUMENT IS ACKNOWLEDGED. DATE: _____ BY: _____
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